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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,662	05/21/2004	Hua-Chun Hsieh	MTKP0060USA	3661

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER
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MOTSINGER, SEAN T

ART UNIT	PAPER NUMBER
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2624

NOTIFICATION DATE	DELIVERY MODE
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05/28/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com  
Patent.admin.uspto.Rcv@naipo.com  
mis.ap.uspto@naipo.com.tw

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/709,662	HSIEH, HUA-CHUN	
	<b>Examiner</b>	<b>Art Unit</b>	
	SEAN MOTSINGER	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 1/30/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Applicants Arguments***

1. Applicants arguments filed on November 14 2007 have been entered and made of record.
2. Regarding applicants arguments regarding the rejections Under 35 U.S.C. 112 the amendments have overcome the previous rejections.
3. Regarding applicants arguments with respect to the rejections under 35 U.S.C. 102, applicants argument have been fully considered but are rendered moot based on new grounds of rejection.
4. Regarding the rejections under 35 U.S.C. 103 to claims 3-5 applicants arguments have been considered but are not persuasive.
5. Applicant first argues that Dyas is not analogous art. The examiner categorically rejects this assertion. The reference is in the same field of endeavor, applicant has misclassified the field of endeavor of Dyas. Although Dyas does mention a digital camera it is really a compression apparatus, as clearly indicated in the title, the abstract and by the classification system within the Office. The APA and applicants invention are also compression apparatuses as they describe the compression of data. Specifically claim 3 (for which Dyas was used) the inventor addresses the compression of data. Even if Dyas was not of the same field of endeavor as the APA and applicant, it would still "logically commended itself to the inventor's

attention considering his problem” the problem of claims 3-5 is quantizing an image such that it will be an appropriate size. This is a problem universal to nearly all inventions dealing with compressing an image to an appropriate size. Therefore any invention which also described compression to a particular size including quantization would more certainly be of interest to an inventor solving this problem. This is clearly main focus of Dyas see abstract.

6. Regarding claim 4 applicants argues that “Dyas discloses the quantization size is determined to achieve a predetermined file size, the quantization sizes are the same for each quantization.” While Dyas does seek to compress all images to the same size. Applicants conclusion that the quantization sizes are the same for each quantization is well known to be false to one of ordinary skill in the art. The compression ratio of images compressed using the same quantization levels can vary largely dependent on specific image data. In fact this is stated in column 1 lines 63-column 2 line 2) of Dyas. The quantization sizes are clearly not all the same.

### ***Rejections Under 35 U.S.C. 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 6, 7 and 15 rejected under 35 U.S.C. 103(a) as being obvious by the admitted prior art (hereinafter "APA") in the specification in view of Suzuki US 5,140,435.
8. Re claim 1 APA discloses A method for generating a user's favorite logo of an image display device, the method comprising: (a) providing a plurality of candidate image data on the image display device (see paragraph 12 note a plurality of data is decoded and displayed on the image display device also note this claim element does not require that the data be displayed simultaneously furthermore "image data" is different from an "image" a plurality of "image data" could even be a plurality of image blocks); (b) selecting an image data (captures and image data in response to a control signal see paragraph 13) from the plurality of image data; (c) encoding the image data selected from the plurality of image data for generating an encoded image data ( encodes the captured image data see paragraph 13)); (d) storing the encoded image data in a first memory (data is stored in a flash memory see paragraph 14); (e) reading (read paragraph 15) the encoded image data from the first memory when the image display device is re-started (paragraph 15 when the image display device 10 is restarted) and f) decoding (decoding paragraph 15) the encoded image data for generating a decoded image data after performing step (e), and (g) displaying the decoded image data on the image display device (displayed paragraph 15). The APA does not disclose displaying simultaneously after capturing an image according to an image capture control signal. However Suzuki discloses

displaying simultaneously after capturing an image according to an image capture control signal (see abstract.) The motivation to combine is The above arrangement has the disadvantage that since successive frames appear on the display at a high frequency (e.g. 30 frames/second), it is almost impossible for the user to accurately select a specific frame by actuating the "memory" switch while observing the video display, so that the time of switch actuation will inevitably overshoot the timing of the desired frame by a substantial amount. Thus the user will in general have to make a number of successive trial attempts at printing out a desired frame, so that excessive time will be required in order to obtain satisfactory results. Therefore it would have been obvious to combine the APA with Suzuki to reach the aforementioned advantage.

9. Re claim 2 the APA further discloses wherein the plurality of image data provided in step (a) are captured from a dynamic image file (see paragraph 6)
10. Re claim 6 the APA further discloses wherein the first memory is a flash memory (flash memory see paragraph 14)
11. Re claim 7 the APA further discloses keeping (paragraph 14) an existing image data in the first memory before performing step (see paragraph 14 note the existing data must be read out to rearrange the "empty clusters)) (d); wherein step (d) stores the existing image data and the encoded image data to the first memory. (see

paragraph 14 note the empty clusters are rearranged so existing data and encoded image data are stored)

12. Re claim 15 the APA further an image display device for performing the method of claim 1 (see paragraph 4).
13. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants APA, Suzuki and Dyas et al US 6,504,494.
14. Re claims 3 The APA discloses all of the elements of claim 1 and adjusting parameters prior to encoding the APA does not disclose (h) quantizing the image data selected in step (b); wherein step (c) further comprises encoding the image data quantized in step (h). However Dyas discloses quantizing the image data to be stored ( see abstract and figure 1 step 120); wherein step (c) further comprises encoding (entropy encoding column 6 lines 30-35) the image data quantized in step (h). Quantizing an image before performing entropy encoding is well known as shown in Dyas. Therefore one of ordinary skill in the art would have known how to quantize prior to encoding, and the results adjusting compression size (see abstract) are also predictable. Therefore it would have been obvious at the time of the invention to combine that APA with Dyas

15. Re claim 4 Dyas further discloses detecting the size (column 4 lines 45-55 note it approximates file size based on quantization factor) of the image data selected in step (b), and step (h) further comprising quantizing the image data selected in step (b) according to the size of the image data (determines the quantization size to achieve a predetermined file size column 4 lines 45-55).
16. Re claim 5 the APA further discloses detecting whether remaining space of the first memory is enough to store the encoded image data (paragraph 14 memory is large enough); when the remaining space of the first memory is enough to store the encoded image data (if remaining space its not large enough paragraph 14), performing step (d); and when the remaining space of the first memory is not enough to store the encoded image data, quantizing the selected image data again (reconfigure parameters paragraph 14).
17. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA and Suzuki in view of examiners official notice.
18. Re claim 8, the APA discloses all of the elements in claim 7, it does not disclose erasing at least part of the first memory before performing step (d). However examiner is taking official notice that it is notoriously well known in the art to erase data if necessary prior to storing data. The motivation to combine is also well know such as the memory being full. Therefore it would have been obvious at the time of

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the invention to combine the APA with common knowledge in the art to reach the aforementioned advantage.

19. Claims 9-10 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA, and Suzuki in view of Seto et al US 6,335,979.

20. Re claim 9, the APA discloses all of the elements in claim 1, the APA does not disclose detecting display parameters of the selected image data and storing the display parameters of the selected image data in a second memory. However Soto discloses detecting display parameters of the selected image data and storing the display parameters (display parameters are stored see abstract) of the selected image data. The motivation to combine is that the operator need not know display parameters (i.e. they are set without operator intervention) see abstract. Therefore it would have been obvious to combine APA and SETO to reach the aforementioned advantage.

21. Re claim 10 Seto further discloses reading the display parameters from the second memory before performing (note the parameters must be read to display in accordance with them see abstract) step (g); wherein step (g) further comprises displaying the decoded image data on the image display device according to the display parameters (see abstract).

22. Re claim 12, the APA discloses all of the elements in claim 1, the APA does not disclose further comprising storing miscellaneous data corresponding into the selected image data in a second memory.. However Soto discloses storing miscellaneous data corresponding (display parameters are stored see abstract) to the selected image data. The motivation to combine is that the operator need not know display parameters (i.e. they are set without operator intervention) see abstract. Therefore it would have been obvious to combine APA and SETO to reach the aforementioned advantage.
23. Re claim 13 Seto further discloses reading the miscellaneous data (display parameters see abstract) from the second memory before performing (note the parameters must be read to display in accordance with them see abstract) step (g); wherein step (g) further comprises displaying the decoded image data on the image display device according to the miscellaneous data (see abstract).
24. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA, Suzuki in view of Seto et al US 6,335,979 and examiners official notice.
25. Re claim 11 Seto and the APA disclose all of the elements of claim 9 they do not disclose wherein the second memory is an electrically erasable programmable read only memory (EEPROM). However the examiner is taking official notice that one of ordinary skill in the art would know how to store data on any memory system

including an EEPROM and the results (haveing data stored on an EEPROM) would be predictable. Therefore it would have been obvious to combine Seto and the APA with examiner official notice.

26. Re claim 14 Seto and the APA disclose all of the elements of claim 14 they do not disclose wherein the second memory is an electrically erasable programmable read only memory (EEPROM). However the examiner is taking official notice that one of ordinary skill in the art would know how to store data on any memory system including an EEPROM and the results (haveing data stored on an EEPROM) would be predictable. Therefore it would have been obvious to combine Seto and the APA with examiner's official notice.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN MOTSINGER whose telephone number is (571)270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571)272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/  
Supervisory Patent Examiner, Art Unit 2624

Motsinger  
5/16/2008